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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,173	11/14/2003	Daniel Underkofler	2003-051-TAP	2922

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EXAMINER

RIVERA, WILLIAM ARAUZ

ART UNIT	PAPER NUMBER
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3654

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/714,173

Applicant(s)

UNDERKOFER ET AL

Examiner

William A. Rivera

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-7, 9-15, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Maxey (U.S. Patent No. 4,275,424).

With respect to Claims 1-3, 5-7, 9-15, and 17, Maxey, Figures 1-9, teaches a tape guide mechanism in a storage device for defining a tape path comprising: a cartridge reel for supplying tape to a take-up reel 115b; said cartridge reel being generally bisected by a longitudinal axis of said tape path; and said tape path being generally symmetrically disposed about said axis; said tape path being generally U-shaped; a pair of read/write heads 180,182 disposed symmetrically about said axis for reading data from and writing data to said tape; a plurality of flanged rollers 128b,130b disposed symmetrically about said axis, said plurality of flanged rollers being remotely located away from said cartridge and take-up reels; said plurality of flanged rollers including a first pair of flanged rollers located proximate to a first read/write head and a second pair of flanged rollers located proximate to a second read/write head; said first pair of flanged rollers being adjacent to each other; and said second pair of flanged rollers being adjacent to each other; a non-flanged post guide 128b being located proximate to said take-up reel; said post guide being non-spinning; said tape path including a first portion that is generally parallel to said

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axis, a second portion that is generally perpendicular to said axis, and a third portion that is generally parallel to said axis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maxey as applied to claims 1-3, 5-7, 9-15, and 17 above, and further in view of Saitou (U.S. Patent No. 4,367,854) or Hoover et al (U.S. Patent No. 4,443,827).

With respect to Claim 4, Maxey teaches all the elements of the mechanism except for the use of a single read/write head. However, Saitou or Hoover et al, teaches the use of a single read/write head along the axis. It would have been obvious to one of ordinary skill in the art to use one single read/write head, as taught by Saitou, for the purpose of minimizing the wear on the tape.

Claims 8, 16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maxey as applied to claims 1-3, 5-7, 9-15, and 17 above, and further in view of Poorman (U.S. Patent Application Publication No. 2003/0087738).

With respect to Claims 8, 16, and 18, Maxey is advanced above. Maxey teaches all the elements of the guide mechanism except for the grooves on the roller. However, Poorman, Figures 4 and 5, teaches a tape guide having grooves. It would have been obvious to one of

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ordinary skill in the art to provide grooves to guides of Maxey, as taught by Poorman, for the purpose of allowing air to bleed from between the surface of the hub and the tape.

Response to Arguments

Applicant's arguments filed December 4, 2006 have been fully considered but they are not persuasive.

With respect to applicants' remarks regarding the Maxey reference, it is the applicants' position that the configuration of the cartridge of Maxey in Figure 9 is not generally symmetrical. However, the examiner disagrees because the word "generally" is interpreted to mean that the path of the tape is close but not exactly the same along the longitudinal axis. In the instant case, it is the examiner's position that the tape path of Maxey is "generally" symmetrical.

With respect to applicant's remarks on page 14 regarding claims 12-15 and 17, the specification of Maxey provides sufficient evidence in terms of delineating which guides are posts and which guides are flanged roller guides.

With respect to applicants' remarks on page 15 regarding the combination of references, it should be noted that element 145 of Maxey could be considered to be a single read/write head within the storage device. The storage device being the tape drive itself. In the Saitou reference, the read/write head are notoriously old and well known to be only one for this type of tape cartridge.

With respect to applicants' remarks on pages 15-17 regarding the Poorman reference, it should be noted that the examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would have been motivated to make the proposed combination of primary and secondary references. However, there is no requirement

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that a motivation to make the modification be expressly articulated in the primary reference. The test for combining references is what the combination of disclosures, taken as a whole would have suggested to one of ordinary skill in the art. References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

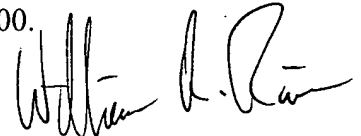
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William A. Rivera whose telephone number is 571-272-6953. The examiner can normally be reached on Monday to Thursday - 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



WILLIAM A. RIVERA
PRIMARY EXAMINER

March 18, 2007